

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

2007 MAY 14 PM 1:02

CLERK *M. Stone*
SO. DIST. OF GA.

THOMAS JAMES PALMER,)
vs.)
Petitioner,)
) Case No. CV506-110
DAN STONE, Warden,)
Respondent.)

O R D E R

On November 3, 2006, Petitioner Thomas James Palmer submitted for filing an action pursuant to 28 U.S.C. § 2254. He sought to proceed in forma pauperis. By Order dated December 21, 2006, Magistrate Judge Graham denied Petitioner's motion to proceed in forma pauperis as it appeared Petitioner had sufficient funds to pay the \$5.00 filing fee. The Court warned him that failure to pay the filing fee by January 10, 2007 would result in the dismissal of this action. A copy of the Magistrate's Order was mailed to Petitioner at Bacon County Probation Center. However, on January 17, 2007, the Order was returned as undeliverable.

The Court inquired of Petitioner's whereabouts and learned that he had been transferred to Hayes State Prison in Trion, Georgia. The Clerk mailed a second copy of the Order to Petitioner's address at Hayes State Prison. The second mailing was returned as undeliverable on February 20, 2007. Apparently, Plaintiff is no longer incarcerated in Hayes State Prison and has

neglected to provide the Court with his updated address. His failure to do so demonstrates that he has lost interest in his case. Accordingly, this case should be **DISMISSED WITHOUT PREJUDICE** for want of prosecution. See Fed. R. Civ. P. 41(b); Local Rule 41.1(c). The Clerk is **DIRECTED** to **CLOSE** this case.

SO ORDERED, this 14th day of May, 2007.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA